

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

DONNA M. PAUL,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No.: 02:06mc3293-MHT-VPM
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**SECOND MOTION TO DISMISS**

Comes now the respondent, United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves for the dismissal of the above-styled cause as moot, and in support states as follows:

1. The petitioner initiated these proceedings by filing a Motion to Quash on March 28, 2006 (Doc. 1). The respondent thereafter filed its first Motion to Dismiss citing ineffective service of process as grounds (Doc. 6). Thereafter, on June 5, 2006, the Court denied the respondent's Motion to Dismiss without prejudice (Doc. 9).

2. In her Motion to Quash the petitioner asserted that the respondent's administrative summonses were due to be quashed as certain summonses bore an incorrect middle initial and incorrect Social Security number (Doc. 1).

3. Since the filing of her Motion to Quash agents of the respondent have corrected the petitioner's middle initial and Social Security number on all summonses and have served the corrected summonses on all necessary persons, parties and entities.

4. The bases for the petitioner's Motion to Quash having been corrected and the corrected summonses having been served, there no longer exists a case or controversy between the parties that can, or need be, resolved by the Court.

WHEREFORE, premises considered, the petitioner's Motion to Quash is due to be and should be dismissed as moot.

Respectfully submitted this 13<sup>th</sup> day of July, 2006.

LEURA G. CANARY  
United States Attorney

By: /s/R. Randolph Neeley  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant(s):

Donna M. Paul  
102 Meadow wood Court  
Wetumpka, AL 36093

s/R. Randolph Neeley  
Assistant United States Attorney